

1 prepared ~~therefor~~ for cultivation by thoroughly clearing ~~it~~ of all brush and growing
2 wood of every kind ~~thereon~~, except that shade or ornamental trees on not more than
3 10 adjoining acres selected for building purposes, and trees valuable for saw or rail
4 timber, not to exceed 20 upon each acre, may be left standing. ~~Any~~

5 (4) Except as provided in subs. (2) and (3), any wood, timber, or mineral
6 otherwise cut, dug out, or removed from any such land described in a certificate of
7 sale shall be and remain the property of the state.

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts specific references.

****NOTE: See changes to text and NOTE. "Certificate of sale" is the term used on page 47, line 13, and page 48, line 21, of the rough draft. "Described in" is the phrase used on page 48, line 5, and page 47, line 20, of the rough draft. CJS

8 **SECTION 95.** 24.25 (title) of the statutes is amended to read:

9 **24.25 (title) Patent Issuance and record thereof of patent.**

10 **SECTION 96.** 24.25 of the statutes is renumbered 24.25 (1) and amended to read:

11 24.25 (1) Whenever full payment ~~shall have been~~ is made for any such lands
12 described in a certificate of sale issued under s. 24.17, as required by law, and the
13 purchaser, or the purchaser's legal representatives ~~shall produce~~, produces to the
14 board the duplicate certificate of sale, with the receipt of the secretary of
15 administration endorsed ~~thereon~~ on the duplicate certificate, showing that the whole
16 amount of the principal and interest due ~~thereon~~ on the purchase of the land
17 described in the certificate has been paid and that the holder of such the duplicate
18 certificate is entitled to a patent for the lands described ~~therein~~ in the certificate, the
19 original and duplicate certificates shall be canceled, and the board shall ~~thereupon~~
20 immediately execute and deliver a patent to the person entitled ~~thereto~~ to the patent
21 for the land described in such the certificate.

****NOTE: See my changes. "Described in" is the phrase that was used on page 48, line 5, and elsewhere in the rough draft. "Public" seems superfluous since the lands are described in the certificate. CJS

1 (2) All patents issued by the board shall be recorded in ~~its~~ the board's office;
2 and ~~the~~. The board's record of patents heretofore issued by it is hereby declared
3 constitutes a legal record.

4 (3) Purchasers may, at any time before payment is due, pay any part or the
5 whole of ~~such~~ the purchase money for the land and the interest thereon. ~~In all cases~~
6 ~~where patents have been or may hereafter be owing on the purchase money.~~

7 (4) If a patent is issued to a person who ~~may have died or who shall die~~ dies
8 before the date ~~thereof of the patent~~, the title to the land described therein shall inure
9 inures to and ~~become vested vests~~ in the decedent's heirs, devisees, or assignees of
10 ~~such person~~ to the same extent as if the patent had issued to ~~that person~~ the decedent
11 during ~~that person's~~ the decedent's lifetime.

NOTE: Subdivides provision, reorganizes text, replaces the passive voice with the active, deletes excess verbiage, and inserts specific references.

12 ~~SECTION 97.~~ 24.251 of the statutes is amended to read:

13 **24.251 Patents, issuance; county may record.** Whenever it ~~shall appear~~
14 appears to the board of commissioners of public lands that all the conditions relating
15 to the issuance of patents have been complied with, the board may issue patents, and
16 the county board of any county may cause ~~such~~ the patents to be recorded in the
17 county and pay the cost of ~~such~~ the recording.

NOTE: "Board" is defined in s. 24.01 as the board of commissioners of public lands.

****NOTE: See my change to the NOTE. CJS

18 ~~SECTION 98.~~ 24.26 of the statutes is amended to read:

19 **24.26 Patentee's rights.** Except as provided otherwise by under s. 24.11, any
20 person, or the person's heirs or assigns, who ~~shall receive~~ receives a patent pursuant

1 to law for any public lands shall thereby ~~acquire~~ acquires the right to all timber,
2 lumber, trees, wood, bark, stone, earth, and other materials cut, dug, taken, or
3 removed ~~therefrom~~ from the lands subject to the patent before the issue of such ~~the~~
4 patent, unless the ~~same shall have been~~ materials were cut, dug, taken, or removed
5 by the assent of said ~~the~~ board or ~~were~~ sold by the state, ~~and~~. The person receiving
6 the patent may maintain any ~~proper~~ an action for the recovery thereof ~~of the~~
7 materials that were cut, dug, taken, or removed, or for any injury done to or trespass
8 committed upon said ~~the~~ lands before such ~~the~~ patent shall have been was issued,
9 in the same manner ~~and~~, with the like same effect, and ~~the person shall be entitled~~
10 ~~to like~~ with the same entitlement to damages as if such ~~the~~ injury or trespass had
11 been committed after the patent ~~had~~ was issued.

NOTE: Deletes excess verbiage, and inserts specific references.

****NOTE: See my change to NOTE. CJS

12 **SECTION 99.** 24.28 of the statutes is renumbered 24.28 (1) (a) and amended to
13 read:

14 24.28 (1) (a) ~~In the case of the nonpayment~~ Nonpayment of interest when it is
15 due according to the terms of the certificate of sale, ~~or of~~.

16 (b) Nonpayment of any taxes ~~which~~ that before said ~~the~~ annual interest
17 required by the certificate of sale is paid ~~shall have been~~ are returned to the board
18 ~~of commissioners of public lands~~ by the county treasurer as due and unpaid upon
19 ~~such land, or the lands described in the certificate.~~

20 (c) Nonpayment of the principal owing on the purchase of the lands described
21 in the certificate of sale when required by the board, ~~such certificate shall become~~
22 ~~void from the time of such failure, and the purchaser, the purchaser's heirs and~~

1 assigns, shall forfeit all right and interest in the lands described in such certificate;
2 and.

3 (2) In the event of a forfeiture of lands under sub. (1), the board may take
4 immediate possession thereof and may of and resell the same the forfeited lands as
5 hereinafter provided under ss. 24.29 to 24.33.

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts specific references. "Board" is defined in s. 24.01 as the board of commissioners of public lands.

***NOTE: See my technical changes to text and NOTE. CJS

6 **SECTION 100.** 24.28 (1) (intro.) of the statutes is created to read:

7 24.28 (1) (intro.) A certificate of sale issued under s. 24.17 becomes void upon
8 the occurrence of any of the following, and the purchaser of the lands described in
9 the certificate, or the purchaser's heirs and assigns, shall forfeit all right and interest
10 in the lands:

11 **SECTION 101.** 24.29 of the statutes is amended to read:

12 **24.29 Redemption.** At any time before the 5 days next preceding the
13 reoffering of such land at public sale of any land forfeited under s. 24.28, the former
14 purchaser, or the former purchaser's assigns or legal representatives, may, prevent
15 the resale of the forfeited lands and revive the original contract by the payment of
16 paying the principal sum due, with interest, and all taxes returned thereon on the
17 forfeited lands to the secretary of administration which that are still unpaid, and all
18 costs occasioned by the delay, together with 3% 3 percent damages on the whole sum
19 owing for such land, prevent such resale and revive the original contract the forfeited
20 lands.

NOTE: Reorganizes text, deletes excess verbiage, and inserts specific references.

****NOTE: See my changes to text and NOTE. The change to "3 percent" is to conform to current style. CJS

and conforms the expression of "percent" to current style

1 **SECTION 102.** 24.30 of the statutes is amended to read:

2 **24.30 Liability of former purchaser.** In case of ~~such a~~ forfeiture of lands
3 under s. 24.28, the former purchaser of ~~such land~~ the forfeited lands shall be liable
4 for any waste or unnecessary injury ~~which that~~ the former purchaser may have done
5 to the ~~same~~, forfeited lands or to the timber or ~~mineral thereon~~; and ~~any minerals~~
6 located upon the forfeited lands. An action therefor for waste or unnecessary injury
7 under this section may be prosecuted by the board in the name of the state.

****NOTE: I removed a redundant "the". CJS

NOTE: Divides long sentence and inserts specific references.

8 **SECTION 103.** 24.31 of the statutes is amended to read:

9 **24.31 Advertisement and resale of forfeited lands.** Whenever any public
10 lands have been forfeited under s. 24.28 for the nonpayment of either principal,
11 interest, or taxes, and the lands have remained forfeited for 3 months, the board shall
12 first cause ~~such the~~ forfeited lands to be appraised as provided by under s. 24.08 ~~and~~
13 ~~shall thereupon. Upon completion of the appraisal, the board shall~~ advertise ~~such~~
14 the forfeited land for sale as provided by under s. 24.09, and shall ~~further~~ state in the
15 notice that the lands have been forfeited and give the names of the former
16 purchasers. ~~Such~~ The sale of the forfeited lands shall be made either in the county
17 where the lands lie or at the capitol on a day not less than 3 months nor more than
18 6 months after the first insertion of the notice. The board shall publish a class 3
19 notice, under ch. 985, of the sale giving the time and place where ~~such the~~ sale will
20 be held and the county in which ~~such the~~ lands being sold are situated, but omitting
21 any description of ~~such the~~ lands; ~~the~~. The last insertion of the notice shall be at least
22 one week previous prior to the time ~~of commencing such the~~ sale is to commence.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts
specific references.

1 ~~SECTION 104.~~ 24.32 of the statutes is amended to read:

2 **24.32 Resale and redemption.** (1) Unless such the resale be of lands
3 forfeited under s. 24.28 is prevented by payment as ~~hereinbefore provided by under~~
4 s. 24.29, such the forfeited lands shall be offered for sale at public auction to the
5 highest bidder, in the manner and upon the terms provided, for original sales, and,
6 if the lands are not then sold, the lands shall be subject to private entry ~~thereafter~~.

7 (2) (a) Every such tract of forfeited lands may be redeemed by the former
8 purchaser ~~thereof~~, or the former purchaser's assigns or legal representatives, at any
9 time before the June 30th next following the date of such the resale, ~~upon presenting~~
10 of the forfeited tract, by doing all of the following:

11 1. Presenting to the board satisfactory proof, which shall be filed and preserved
12 by ~~it~~ the board, that such the tract was, at the time of the resale, in whole or in part
13 under cultivation or adjoining a tract partly cultivated, belonging to the former
14 purchaser, or the former purchaser's assigns or legal representatives, and used in
15 connection ~~therewith, and upon depositing with the adjoining tract.~~

****NOTE: In subd. 1., I added scoring to a comma that appears plain in the rough
draft but is not part of the current text of the statute. CJS

16 2. Depositing with the secretary of administration, for the use of the purchaser
17 at such the resale of the forfeited tract the amount paid by the the resale purchaser
18 for ~~such land~~ the tract, together with 25% of the amount of such the taxes, interest,
19 and costs, in addition ~~thereto; and every~~ to the purchase price.

20 (b) Every certificate of sale issued upon any such resale of forfeited lands shall
21 be subject to the right of redemption under par. (a) ~~whether it be~~ or not the right of
22 redemption is expressed in such the certificate ~~or not. And no.~~ No patent shall be

1 issued on any ~~such~~ resale of a forfeited tract until the expiration of ~~such~~ the
2 redemption period under par. (a).

3 (3) Upon ~~such~~ a redemption under sub. (2), the board shall ~~cancel such~~ do all
4 of the following:

5 (a) Cancel the certificate, and shall make of sale issued to the resale purchaser.

6 (b) Make and deliver to the party so redeeming the forfeited lands a certificate
7 ~~thereof, and shall also record the same~~ of the redemption.

8 (c) Record the certificate of the redemption in a book ~~to be kept in its~~ the board's
9 office for that purpose.

NOTE: Subdivides long provisions and inserts specific references.

****NOTE: I made several technical changes. CJS

10 **SECTION 105.** 24.34 of the statutes is amended to read:

11 **24.34 Void sales.** ~~In case of~~ the event that the sale of any public lands are made
12 by mistake, or not in accordance with law, or are obtained by fraud, ~~and in cases~~
13 ~~where~~ or in the event that the state had no title to ~~such~~ the lands sold, or ~~its~~ the state's
14 title has failed, ~~such~~ the sale of the lands shall be void and no contract, certificate of
15 purchase, or patent issued ~~thereon~~ on the lands sold shall be of any effect, but the
16 person named as vendee, or that person's successor in interest, ~~as the case may be,~~
17 may furnish to the board ~~such~~ any proof ~~as shall~~ that will satisfy ~~it~~ the board of the
18 facts. ~~Thereupon it~~ Except as provided in s. 24.341, upon receipt of satisfactory proof
19 of the facts asserted by the vendee, the board shall order all amounts, either of
20 principal or interest, paid for the lands described in the contract, certificate, or
21 patent, together with the interest ~~thereon~~ on the amounts so paid from the time of
22 each such payment, at the rate of 6% 6 percent per year, simple interest, to be
23 refunded and paid out of the state treasury, from the fund to which it has been

and conforms the expression
of "percent" to current style

1 credited, to the person entitled thereto; ~~provided that~~ to the refund.
2 Notwithstanding anything contained in this section, no money shall be paid to any
3 person participating in any such fraud in obtaining the land, as provided in this
4 section.

NOTE: Divides long sentence and inserts specific references.

****NOTE: See my changes. I added "are" to make the structure of the phrases clearer, and I adjusted "6%" to conform to current style. CJS

The change to 6 percent is
to conform to current style.

5 **SECTION 106.** 24.341 of the statutes is amended to read:

6 **24.341 Offset to refund on void sales.** Whenever any claim ~~shall be~~ is made
7 for a refund on a void land sale under s. 24.34, the board of commissioners of public
8 lands shall make an investigation and determination, and offset the value of the use
9 of said the land, property removed ~~therefrom~~ from the land, and the damage or injury
10 thereto to the land by such the claimant, together with interest thereon on those
11 amounts, against the amounts actually paid to the state and to any other persons on
12 account of the purchase, possession, use, damage, or injury to such the lands by said
13 the claimants. The refund or payment to be made under s. 24.34 shall in no case be
14 more than the excess, if any, of the amounts paid out by such the claimant, with
15 interest, over such the offset determined under this section.

NOTE: Inserts specific references. "Board" is defined in s. 24.01 as the board of commissioners of public lands.

****NOTE: See my change to the NOTE. Also, in the statutory text, would it be better to score in "that value" on lines 15 and 16, rather than "those amounts", since "value" is the word that was used previously in the sentence? CJS

16 **SECTION 107.** 24.35 of the statutes is amended to read:

17 **24.35 Annulment of certificates and patents.** Whenever the board shall
18 ~~have~~ has erroneously or improperly issued any certificate or patent for any public
19 lands, whereby wrong or injustice has been or may be done, including cases where
20 in which the state had no title to the lands, or its title has failed, it the board may,

I now
don't
like
either
option

1 upon the written application of the purchaser, or the purchaser's successor in
2 interest, revoke and annul ~~such the~~ certificate or patent by its order, which, with ~~such~~
3 ~~the~~ application, shall be filed and recorded in its ~~the board's~~ office. A certified copy
4 of ~~such the board's~~ order may be recorded in the office of the register of deeds for the
5 county where ~~such the~~ lands lie, and ~~thereupon such upon the recording of the order,~~
6 ~~the~~ certificate or patent shall be absolutely null and void. When ~~such the board's~~
7 order is so recorded there shall be paid out of the state treasury, from the fund to
8 which it has been credited, to the purchaser, or the purchaser's successor in interest,
9 the amounts in the manner and as provided in s. 24.34.

NOTE: Inserts specific references.

****NOTE: See my change. "Board" is the antecedent of "it". Also, see my change
to the NOTE. CJS

10 **SECTION 108.** 24.355 of the statutes is amended to read:

11 **24.355 Limitation of actions.** All claims under s. 24.34 or 24.35 shall become
12 ~~be~~ barred, unless application ~~therefor be~~ for a payment refund is made within 5 years
13 from the time of ~~such the~~ payment, or, in cases where in which the state never had
14 title, from the time when the invalidity of the title of the state was established.

NOTE: Inserts specific references.

****NOTE: See my change to the NOTE. CJS

15 **SECTION 109.** 24.36 of the statutes is amended to read:

16 **24.36 Lost certificates and patents.** Whenever any duplicate certificate of
17 sale ~~shall have~~ has been lost or destroyed before the patent ~~shall issue~~ has been
18 issued, or whenever any patent ~~shall have~~ has been lost or destroyed, the board, upon
19 satisfactory proof of the fact, established by affidavit ~~to be~~ filed with it ~~the board~~, may
20 issue a certified copy of the original certificate of sale or of the record in its ~~the board's~~
21 office of ~~such the~~ patent, or a quitclaim deed in place of ~~such the~~ missing patent, to

1 the person entitled thereto to the copy of the certificate or record of the patent, or
2 quitclaim deed, which shall have the same force and effect as the original duplicate
3 certificate or patent. ~~Its~~ The board's certificate to ~~sueh~~ the copy and quitclaim deed
4 shall recite the loss or destruction of the original.

NOTE: Inserts specific references.

****NOTE: See my changes. I adjusted "quit claim" consistent with the spelling elsewhere in the this statute and in the statutes generally. Also, see my change to NOTE. CJS

5 **SECTION 110.** 24.37 of the statutes is amended to read:

6 **24.37 Ejectment.** If any person shall ~~hold~~ holds or ~~continue~~ continues in
7 possession of any public lands without written permission from the board, or
8 contrary to the conditions or covenants of any lease or written agreement, or after
9 ~~sueh~~ the lands have been forfeited to the state, that person shall be liable to an action
10 by the state or any purchaser from the state for an unlawful detainer or other proper
11 action to recover possession of ~~sueh~~ the lands, ^{and for} with damages for the detention of the
12 ~~same~~ the lands.

NOTE: Inserts specific references.

****NOTE: See my change to NOTE. Also, I don't understand why a comma is scored in before "with damages". CJS

13 **SECTION 111.** 24.38 of the statutes is amended to read:

14 **24.38 Boundaries.** The lines, boundaries, and descriptions of the swamp
15 lands as exhibited by the plats and field notes of the United States survey are
16 adopted and ~~shall be~~ deemed conclusively to be the true lines, boundaries, and
17 descriptions ~~thereof~~ of those swamp lands.

NOTE: Inserts specific references.

****NOTE: See my change to NOTE. CJS

18 **SECTION 112.** 24.39 (title) of the statutes is amended to read:

19 **24.39 (title) Leases, etc. of public lands.**

CJS: 24.39 NOTE - I think it should continue... with "that person shall be liable to an action for an unlawful detainer or [the] recovery of possession of the same." The phrase "that person shall be liable to an action for an unlawful detainer or [the] recovery of possession of the same" is the correct phrase.

STAYS
NOTE: Deletes disfavored term

****NOTE: See my technical change. CJS

1 SECTION 113. 36.29 (7) of the statutes is amended to read:

2 36.29 (7) The board may not accept any gift, grant or bequest of a building or
3 structure that is constructed for the benefit of the system or any institution unless
4 acceptance is first approved by the building commission, or unless the plans and
5 specifications for the building or structure are reviewed and approved by the
6 department of administration and the building or structure is inspected as provided
7 in s. 16.85 (12) (1g) (i).

NOTE: Section 16.85 (12) is renumbered s. 16.85 (1g) (i) by this bill.

****NOTE: See 4-star notes following the treatment of s. 16.85 (intro.). Under JTK's
approach to the restructuring of s. 16.85, it would not be necessary to treat this statute.
CJS

8 SECTION 114. 41.41 (7) (g) of the statutes is amended to read:

9 41.41 (7) (g) Subject to ss. 13.48 (10), 16.85 (1) (1g) (a) and 20.924 (1), plan,
10 design, construct, and maintain facilities in the Kickapoo valley reserve for purposes
11 consistent with the management of the reserve under sub. (3).

NOTE: Section 16.85 (1) is renumbered 16.85 (1g) (a) by this bill.

****NOTE: See 4-star notes following the treatment of s. 16.85 (intro.). Under JTK's
approach to the restructuring of s. 16.85, it would not be necessary to treat this statute.
CJS

12 SECTION 115. 45.014 (title) of the statutes is amended to read:

13 45.014 (title) **Wisconsin veterans museum Veterans Museum.**

NOTE: Changes capitalization consistent with the treatment of this section by 2001
Wis. Act 103 as already reflected in the printed volumes.

14 SECTION 116. 48.685 (5) (bm) 4. of the statutes is amended to read:

15 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),
16 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),
17 or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2),
18 (5), or (6) that is a felony under s. 346.65 (2) (e) (am) 5. or (f), (2j) (d), or (3m), or an

s.t.c.: do not
delete

stat.

Chapter 224, Laws of 1975, changed the name of the state natural beauty council to be the Wisconsin Citizens Environmental Council but did not affect s. 59.07(59).

offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 140 of this bill.

SECTION 117. 59.70 (23) of the statutes is amended to read:

59.70 (23) COUNTY NATURAL BEAUTY COUNCILS. The board may create a county natural beauty council as a committee of the board, composed of such board members, public members and governmental personnel as the board designates. The council shall advise governmental bodies and citizens in the county on matters affecting the preservation and enhancement of the county's natural beauty, and aid and facilitate the aims and objectives of the natural beauty council, as stated in s. 144.76 (3), 1973 stats.

NOTE: This provision was created as s. 59.07 (59) by ch. 574, Laws of 1965. The objectives of the state natural beauty council were stated in s. 144.76 (3), as created by ch. 757, Laws of 1965. The name of the the state natural beauty council was changed to the Wisconsin citizens environmental council by ch. 224, Laws of 1975. Section 144.76 was repealed and recreated by ch. 29, Laws of 1977. Chapter 29, Laws of 1977 changed the objectives of the citizens environmental council, but did not affect s. 59.07 (59).

****NOTE: MES suggests that "as stated in" be changed to "which shall be the aims and objectives stated in". It is not clear, otherwise, what "as stated in" is meant to modify — for example, does it modify "The council shall give advice"? CJS

****NOTE: See my changes to the NOTE. Also, the second sentence in the note is inaccurate. The objectives of the council were originally stated in s. 109.13 (3), which was created by ch. 575, Laws of 1965. Section 109.13 (3) was subsequently renumbered s. 144.76 (3) by ch. 211, Laws of 1967. CJS

****NOTE: In the statutory text, why not say "the aims and objectives of the natural beauty council Wisconsin environmental council described in s. 144.76 (2), 1975 stats."? The NOTE does not explain the choice not to do this. Should the NOTE mention the fact that ch. 224, Laws of 1975, which changed the name of the the council, did not affect s. 59.70 (59)? CJS

SECTION 118. 73.10 (2) (b) 1. b. of the statutes is amended to read:

73.10 (2) (b) 1. b. That the statements, notes, and schedules under subd. 1. a. conform to generally accepted accounting principles promulgated by the

****NOTE: In the final line of the cited statutory text, shouldn't the reference be to 1975 stats.? Also, I added the word "citizens" to the name (of the Council). CJS

****NOTE: I altered the third sentence of the note according to what I took to be the intent of your handwritten markup on the rough draft. Please review. CJS

not to delete

use a.r.

X
from p.
76

Wisconsin environmental Council described
citizens

Stays

1 ~~governmental accounting standards board~~ Governmental Accounting Standards
2 Board or its successor bodies.

NOTE: Conforms capitalization to current style.

3 **SECTION 119.** 77.52 (2) (a) 10. of the statutes is amended to read:

4 77.52 (2) (a) 10. Except for services provided by veterinarians and except for
5 installing or applying tangible personal property which that, subject to par. (ag),
6 when installed or applied, will constitute an addition or capital improvement of real
7 property, the repair, service, alteration, fitting, cleaning, painting, coating, towing,
8 inspection, and maintenance of all items of tangible personal property unless, at the
9 time of such the repair, service, alteration, fitting, cleaning, painting, coating,
10 towing, inspection, or maintenance, a sale in this state of the type of property
11 repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or
12 maintained would have been exempt to the customer from sales taxation under this
13 subchapter, other than the exempt sale of a motor vehicle or truck body to a
14 nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51
15 (14r). ~~For purposes of this paragraph, the following items shall be considered to have~~
16 ~~retained their character as tangible personal property, regardless of the extent to~~
17 ~~which any such item is fastened to, connected with, or built into real property:~~
18 ~~furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems,~~
19 ~~heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers,~~
20 ~~water pumps, water heaters, water conditioners and softeners, clothes washers,~~
21 ~~clothes dryers, dishwashers, garbage disposal units, radios and radio antennas,~~
22 ~~incinerators, television receivers and antennas, record players, tape players,~~
23 ~~jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,~~
24 ~~bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,~~

1 ~~electronic dust collectors, grills and rotisseries, bar equipment, intercoms,~~
2 ~~recreational, sporting, gymnasium and athletic goods and equipment including by~~
3 ~~way of illustration but not of limitation bowling alleys, golf practice equipment, pool~~
4 ~~tables, punching bags, ski tows and swimming pools; equipment in offices, business~~
5 ~~facilities, schools, and hospitals but not in residential facilities including personal~~
6 ~~residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em),~~
7 ~~state institutions, as defined under s. 101.123 (1) (i), Type 1 secured correctional~~
8 ~~facilities, as defined in s. 938.02 (19), or similar facilities including, by way of~~
9 ~~illustration but not of limitation, lamps, chandeliers, and fans, venetian blinds,~~
10 ~~canvas awnings, office and business machines, ice and milk dispensers,~~
11 ~~beverage-making equipment, vending machines, soda fountains, steam warmers~~
12 ~~and tables, compressors, condensing units and evaporative condensers, pneumatic~~
13 ~~conveying systems; laundry, dry cleaning, and pressing machines, power tools,~~
14 ~~burglar alarm and fire alarm fixtures, electric clocks and electric signs. "Service"~~
15 ~~does not include services performed by veterinarians. The tax imposed under this~~
16 ~~subsection applies to the repair, service, alteration, fitting, cleaning, painting,~~
17 ~~coating, towing, inspection, or maintenance of items listed in this subdivision~~ par.
18 (ag), regardless of whether the installation or application of tangible personal
19 property related to the items is an addition to or a capital improvement of real
20 property, except that the tax imposed under this subsection does not apply to the
21 original installation or the complete replacement of an item listed in this subdivision
22 par. (ag), if such the installation or replacement is a real property construction
23 activity under s. 77.51 (2).

NOTE: Subdivides a long provision by deleting a list to be converted to tabular form in a newly created separate paragraph and otherwise rearranging text for improved readability and conformity with current style. See the next section of this bill.

1 ~~SECTION 120.~~ 77.52 (2) (ag) of the statutes is created to read:

2 77.52 (2) (ag) For purposes of par. (a) 10., the following items shall be
3 considered to have retained their character as tangible personal property, regardless
4 of the extent to which the item is fastened to, connected with, or built into real
5 property:

- 6 1. Furnaces.
- 7 2. Boilers.
- 8 3. Stoves.
- 9 4. Ovens, including associated hoods and exhaust systems.
- 10 5. Heaters.
- 11 6. Air conditioners.
- 12 7. Humidifiers.
- 13 8. Dehumidifiers.
- 14 9. Refrigerators.
- 15 10. Coolers.
- 16 11. Freezers.
- 17 12. Water pumps.
- 18 13. Water heaters.
- 19 14. Water conditioners and softeners.
- 20 15. Clothes washers.
- 21 16. Clothes dryers.
- 22 17. Dishwashers.
- 23 18. Garbage disposal units.
- 24 19. Radios and radio antennas.
- 25 20. Incinerators.

- 1 21. Television receivers and antennas.
- 2 22. Record players.
- 3 23. Tape players.
- 4 24. Jukeboxes.
- 5 25. Vacuum cleaners.
- 6 26. Furniture and furnishings.
- 7 27. Carpeting and rugs.
- 8 28. Bathroom fixtures.
- 9 29. Sinks.
- 10 30. Awnings.
- 11 31. Blinds.
- 12 32. Gas and electric logs.
- 13 33. Heat lamps.
- 14 34. Electronic dust collectors.
- 15 35. Grills and rotisseries.
- 16 36. Bar equipment.
- 17 37. Intercoms.
- 18 38. Recreational, sporting, gymnasium, and athletic goods and equipment
- 19 including, by way of illustration but not of limitation, all of the following:
- 20 a. Bowling alleys.
- 21 b. Golf practice equipment.
- 22 c. Pool tables.
- 23 d. Punching bags.
- 24 e. Ski tows.
- 25 f. Swimming pools.

1 39. Equipment in offices, business facilities, schools, and hospitals but not in
2 residential facilities including personal residences, apartments, long-term care
3 facilities, as defined under s. 16.009 (1) (em), state institutions, as defined under s.
4 101.123 (1) (i), Type 1 secured correctional facilities, as defined in s. 938.02 (19), or
5 similar facilities including, by way of illustration but not of limitation, all of the
6 following:

7 a. Lamps.

8 b. Chandeliers.

9 c. Fans.

10 d. Venetian blinds.

11 e. Canvas awnings.

12 f. Office and business machines.

13 g. Ice and milk dispensers.

14 f. Beverage-making equipment.

15 g. Vending machines.

16 f. Soda fountains.

17 g. Steam warmers and tables.

18 h. Compressors.

19 i. Condensing units and evaporative condensers.

20 j. Pneumatic conveying systems.

21 40. Laundry, dry cleaning, and pressing machines.

22 41. Power tools.

23 42. Burglar alarm and fire alarm fixtures.

24 43. Electric clocks.

25 44. Electric signs.

NOTE: List is moved from s. 77.52 (2) (a) 10. and divided into tabular form for improved readability and conformity with current style.

****NOTE: See my changes. The items that I have renumbered as subdivisions 40. to 44. are not, in current law, part of the sublist of "equipment in offices, business facilities, etc." (proposed subdivision 39.). That sublist is set off by semi-colons, and the items I have renumbered come after the semicolon that marks the end of the sublist. CJS

1 **SECTION 121.** 77.54 (14) (f) of the statutes is renumbered 77.54 (14) (f) (intro.)
2 and amended to read:

3 77.54 (14) (f) (intro.) Furnished without charge to a any of the following if the
4 medicine may not be dispensed without a prescription:

5 1. A physician,

6 2. A surgeon,

7 3. A nurse anesthetist,

8 4. An advanced practice nurse,

9 5. An osteopath,

10 6. A dentist who is licensed under ch. 447,

11 7. A podiatrist who is licensed under ch. 448, or

12 8. An optometrist who is licensed under ch. 449 if the medicine may not be
13 dispensed without a prescription.

NOTE: Subdivides a long provision by placing a list in tabular form and reorders text to accommodate the numbering of the subdivided list.

****NOTE: See my technical changes. CJS

14 **SECTION 122.** 77.54 (20) (bg) 1. of the statutes is renumbered 77.54 (20) (bg) 1.
15 a. and amended to read:

16 77.54 (20) (bg) 1. a. "Meal" includes, but is not limited to, a diversified selection
17 of food, food products, or beverages that are customarily consumed as a breakfast,
18 lunch, or dinner, that may not easily be consumed without an article of tableware,

1 and that may not conveniently be consumed while standing or walking; ~~except that~~
2 ~~"meal".~~

3 b. "Meal" does not include frozen items that are sold to a consumer, items that
4 are customarily heated or cooked after the retail sale and before they are consumed,
5 or a diversified selection of food, food products, and beverages that is packaged
6 together by a person other than the retailer before the sale to the consumer.

NOTE: Subdivides provision.

****NOTE: I added several serial commas in subd. a. CJS

7 **SECTION 123.** 77.54 (20) (bg) 2. of the statutes is renumbered 77.54 (20) (bg) 2.
8 a. and amended to read:

9 77.54 (20) (bg) 2. a. "Sandwich" means food that consists of a filling; such as
10 meat, cheese, or a savory mixture; that is placed on a slice, or between 2 slices; of
11 a variety of bread or something that takes the place of bread; such as a roll, croissant,
12 or bagel.

13 b. "Sandwich" includes, but is not limited to, burritos, tacos, enchiladas,
14 chimichangas, pita sandwiches, gyros, and pocket sandwiches.

15 c. "Sandwich" does not include hors d'oeuvres, canapes, egg rolls, cookies,
16 cakes, pies, and similar desserts and pastries, and food that is sold frozen.

NOTE: Subdivides provision, inserts serial commas, and otherwise modifies
punctuation for improved readability and conformity with current style.

9 ****NOTE: I added several commas in subd. a. to set off qualifying material and so
clarify sentence structure. CJS

17 **SECTION 124.** 84.30 (10m) of the statutes is amended to read:

18 84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT. The department may
19 promulgate a rule requiring persons specified in the rule to pay annual permit fees
20 for signs. The rule shall specify that no permit fee may be charged for an
21 off-premises advertising sign that is owned by a nonprofit organization. If the

Proposed
I
**** NOTE: "all of the service" is substantively different from current "all such service". The current phrase limits the service under discussion to service of the types specified in the subdivision. The proposed phrase does away with this limitation CJS/ (use 2x)

1 department establishes an annual permit fee under this subsection, failure to pay
2 the fee within 2 months after the date on which payment is due is evidence that the
3 sign has been abandoned for the purposes of s. TRANS Trans 201.10 (2) (f), Wis. Adm.
4 Code.

NOTE: Corrects capitalization, as already reflected in the printed volumes.

****NOTE: I added a sentence that is present in current law but that was absent from the statute text as cited in the rough draft. CJS

5 **SECTION 125.** 108.02 (15) (k) (intro.), 2., 6., 7., 10., 14., 15., 16. and 19. (intro.)
6 and b. of the statutes are amended to read:

7 108.02 (15) (k) (intro.) "Employment" as applied to work for a given employer
8 other than a government unit or nonprofit organization, except as ~~such~~ the employer
9 duly elects otherwise with the department's approval, does not include service:

****NOTE: I made technical changes in text and in action phrase. CJS

10 2. As a domestic in the employ of an individual in ~~such~~ the individual's private
11 home, or as a domestic in the employ of a local college club or of a local chapter of a
12 college fraternity or sorority, unless performed for an individual, club, or chapter
13 ~~which~~ that is an employer subject to this chapter under sub. (13) (d) or (i);

14 6. By an individual for a person as an insurance agent or an insurance solicitor,
15 if all ~~such~~ of the service performed by ~~such~~ the individual ~~for such person~~ is
16 performed for remuneration solely by way of commissions;

92
****NOTE: JTK suggests that striking through "for such person" may be a substantive change, because "these provisions are drawn from federal language". Note too that "all of the service performed by the individual" may be different from all of the service performed by the individual for a specific person. CJS

17 7. By an individual for a person as a real estate agent or as a real estate
18 salesperson, if all ~~such~~ of the service performed by ~~such~~ the individual ~~for such~~
19 person is performed for remuneration solely by way of commission;

PLAIN
****NOTE: JTK suggests that striking through "for such person" may be a substantive change, because "these provisions are drawn from federal language". Note

too that "all of the service performed by the individual" may be different from all of the service performed by the individual *for a specific person. CJS*

1 10. For an employer who would otherwise be subject to this chapter solely
2 because of sub. (13) (f), if and while the employer, with written notice to and approval
3 by the department, duly covers under the unemployment insurance law of another
4 jurisdiction all services for ~~such~~ the employer ~~which~~ that would otherwise be covered
5 under this chapter;

6 14. By an individual for an employer ~~which~~ that is engaged in the processing
7 of fresh perishable fruits or vegetables within a given calendar year if the individual
8 has been employed by the employer solely within the active processing season or
9 seasons, as determined by the department, of the establishment in which the
10 individual has been employed by the employer, and the individual's base period
11 wages with the employer are less than the wages required to start a benefit year
12 under s. 108.04 (4) (a), unless the individual was paid wages of \$200 or more for
13 services performed in employment or other work covered by the unemployment
14 insurance law of any state or the federal government, other than work performed for
15 the processing employer, during the 4 most recently completed quarters preceding
16 the individual's first week of employment by the processing employer within that
17 year;

18 15. By an individual as a court reporter if the individual receives wages on a
19 per diem basis; ~~or~~

20 16. By an individual whose remuneration consists solely of commissions,
21 overrides, bonuses, or differentials directly related to sales or other output derived
22 from in-person sales to or solicitation of orders from ultimate consumers, primarily
23 in the home; ~~or~~

1 19. (intro.) Performed by an individual for a seasonal employer if the individual
2 received written notice from the seasonal employer prior to performing any service
3 for the employer that ~~such~~ the service is potentially excludable under this
4 subdivision unless:

5 b. The individual has been paid or is treated as having been paid wages or other
6 remuneration of \$500 or more during his or her base period for services performed
7 for at least one employer other than the seasonal employer ~~which~~ that is subject to
8 the unemployment insurance law of any state or the federal government; or

NOTE: Deletes unnecessary "or" in two places, replaces "such" with "the" as
appropriate, ~~deletes "duly" as it has no substantive effect, and deletes unnecessary~~
~~language in subd. 6. for uniformity with subd. 7.~~

9 ****NOTE: Last part of NOTE may need to be adjusted, depending on what is done
with subds. 6. and 7. Also, it is not quite accurate to say "for uniformity with subd. 7."
since the uniformity is really with changes made in subd. 7. CJS

10 **SECTION 126.** 118.02 (14) of the statutes is renumbered 118.02 (9g).

NOTE: Places subsection in chronological order within list, consistent with the
remainder of the section.

11 **SECTION 127.** 118.02 (15) of the statutes is renumbered 118.02 (7r).

NOTE: Places subsection in chronological order within list, consistent with the
remainder of the section.

12 **SECTION 128.** 118.02 (16) of the statutes is renumbered 118.02 (7g).

NOTE: Places subsection in chronological order within list, consistent with the
remainder of the section.

13 **SECTION 129.** 118.02 (17) of the statutes is renumbered 118.02 (6m).

NOTE: Places subsection in chronological order within list, consistent with the
remainder of the section.

14 **SECTION 130.** 118.02 (17m) of the statutes is renumbered 118.02 (5r).

NOTE: Places subsection in chronological order within list, consistent with the
remainder of the section.

****NOTE: See my change. The number "(5m)" is already taken. CJS

SECTION 131. 118.02 (17r) of the statutes is renumbered 118.02 (9r).

NOTE: Places subsection in chronological order within list, consistent with the
remainder of the section.

1 **SECTION 132.** 233.03 (13) of the statutes is amended to read:

2 233.03 (13) Construct or improve facilities that are on state-owned land, if
3 approval requirements under s. 16.85 (14) (1g) (k) are met and if the state agency
4 having authority to approve construction or improvement projects on the land
5 approves the project.

NOTE: Section 16.85 (14) is renumbered s. 16.85 (1g) (k) by this bill.

****NOTE: See 4-star notes following the treatment of s. 16.85 (intro.). Under JTK's
approach to the restructuring of s. 16.85, it would not be necessary to treat this statute.
CJS

6 **SECTION 133.** 233.04 (7) (d) of the statutes is amended to read:

7 233.04 (7) (d) A provision that specifies an amount and that exempts any
8 construction or improvement project on state-owned land that costs less than the
9 amount from review and approval under s. 16.85 (14) (1g) (k).

NOTE: Section 16.85 (14) is renumbered s. 16.85 (1g) (k) by this bill.

****NOTE: See 4-star notes following the treatment of s. 16.85 (intro.). Under JTK's
approach to the restructuring of s. 16.85, it would not be necessary to treat this statute.
CJS

10 **SECTION 134.** 343.06 (1) (c) of the statutes is amended to read:

11 343.06 (1) (c) To any person under age 18 unless the person is enrolled in a
12 school program or high school equivalency program and is not a habitual truant as
13 defined in s. 118.16 (1) (a), has graduated from high school or been granted a
14 declaration of high school graduation equivalency, or is enrolled in a home-based
15 private educational program, as defined in s. 115.001 (3g), and has satisfactorily
16 completed a course in driver education in public schools approved by the department
17 of public instruction, or in technical colleges approved by the technical college system
18 board, or in nonpublic and private schools ~~which~~ that meet the minimum standards
19 set by the department of public instruction, or has satisfactorily completed a
20 substantially equivalent course in driver training approved by the department and

1 given by a school licensed by the department under s. 343.61, or has satisfactorily
2 completed a substantially equivalent course in driver education or training approved
3 by another state and has attained the age of 16, except as provided in s. 343.07 (1)
4 ⁽¹⁹⁾ ~~(1r)~~. The department shall not issue a license to any person under the age of 18
5 authorizing the operation of "Class M" vehicles unless the person has successfully
6 completed a basic rider course approved by the department. The department may,
7 by rule, exempt certain persons from the basic rider course requirement of this
8 paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the
9 driver education, basic rider or driver training course requirement. The secretary
10 shall prescribe rules for licensing of schools and instructors to qualify under this
11 paragraph. The driver education course shall be made available to every eligible
12 student in the state. Except as provided under s. 343.16 (1) (c) and (2) (cm) to (e), no
13 operator's license may be issued unless a driver's examination has been
14 administered by the department.

NOTE: Section 343.07 (1) is renumbered 343.07 ⁽¹⁹⁾ ~~(1r)~~ by this bill.

****NOTE: See note under treatment of s. 343.07 (1). CJS

15 **SECTION 135.** 343.06 (1) (cm) of the statutes is amended to read:

16 343.06 (1) (cm) To operate "Class D" vehicles to any person under 18 years of
17 age, unless the person has accumulated at least 30 hours of behind-the-wheel
18 driving experience, at least 10 hours of which were during hours of darkness. Each
19 hour of behind-the-wheel driving experience while accompanied by a qualified
20 instructor, as defined in s. 343.07 (5) ^(1c) ~~(1g)~~, shall be considered to be 2 hours of
21 behind-the-wheel driving experience, except that no more than 5 hours of
22 behind-the-wheel driving experience while accompanied by a qualified instructor
23 may be counted in this manner. This paragraph does not apply to applicants for a

1 restricted license under s. 343.08 or a special restricted operator's license under s.
2 343.135. The department may promulgate rules that waive the requirement of
3 accumulating at least 30 hours of behind-the-wheel experience for qualified
4 applicants who are licensed by another jurisdiction to operate "Class D" vehicles.

NOTE: Section 343.07 (5) is renumbered 343.07(1g) by this bill. (1c)

****NOTE: See note under treatment of s. 343.07 (5). CJS (19)

5 **SECTION 136.** 343.07 (1) of the statutes is renumbered 343.07(1g).

NOTE: Accommodates the renumbering of s. 343.07 (5) by this bill.

****NOTE: Per ARG, this should be renumbered (1g) so that it continues to precede
current-law sub. (1m). CJS (1c)

6 **SECTION 137.** 343.07 (5) of the statutes is renumbered 343.07(1g).

NOTE: Moves a definition to the beginning of the section in conformity with current
style.

****NOTE: Per ARG, this should be renumbered (1c) instead of (1g) so that (1g) can
be used for the renumbering of s. 343.07 (1). CJS

7 **SECTION 138.** 343.085 (2m) (a) 1. b. of the statutes is amended to read:

8 343.085 (2m) (a) 1. b. A person who meets the requirements under s. 343.07

9 (1) (1r) (a). (13)

NOTE: Section 343.07 (1) is renumbered 343.07(1g) by this bill. (19)

****NOTE: See note under treatment of s. 343.07 (1). CJS

10 **SECTION 139.** 343.085 (2m) (a) 2. of the statutes is amended to read:

11 343.085 (2m) (a) 2. Between the hours of 12 midnight and 5 a.m., unless the
12 licensee's parent or guardian, or a person who meets the requirements under s.
13 343.07 (1) (1r) (a), occupies the seat beside the licensee, or unless the licensee is
14 traveling between his or her place of residence, school, and place of employment.

NOTE: Section 343.07 (1) is renumbered 343.07(1g) by this bill. (19)

****NOTE: See note under treatment of s. 343.07 (1). CJS

15 **SECTION 140.** 344.52 (1) of the statutes is renumbered 344.52 (1r) and amended

16 to read:

1 344.52 (1r) Whenever any motor vehicle rented for compensation outside this
2 state is operated in this state, the lessor of ~~such~~ the motor vehicle is directly liable
3 for all damages to persons or property caused by the negligent operation of ~~such~~ the
4 rented vehicle unless, at the time when ~~such~~ the damage or injury occurs, the
5 operation of the rented vehicle is effectively covered by a policy of insurance ~~which~~
6 that provides coverage at least in the amounts specified in s. 344.01 (2) (d) for
7 property damage, personal injury, or death suffered by any person on account of the
8 negligent operation of ~~such~~ the rented vehicle. The amount of liability imposed upon
9 the lessor by this section in the absence of insurance coverage shall not exceed the
10 limits set forth in s. 344.01 (2) (d) with respect to the acceptable limits of liability
11 when furnishing proof of financial responsibility. The fact that the rented vehicle is
12 operated in this state contrary to any understanding or agreement with the lessor
13 is not a defense to any liability imposed by this section.

NOTE: Renumbers provision to accommodate the renumbering of s. 344.52 (3) by
this bill. Disfavored terms are replaced, specific references added, and serial commas
inserted for improved readability and conformity with current style.

14 **SECTION 141.** 344.52 (3) of the statutes is renumbered 344.52 (1g).

NOTE: Renumbers definition to beginning of section in conformity with current
style.

15 **SECTION 142.** 346.65 (2) (intro.) of the statutes is renumbered 346.65 (2) (am)
16 (intro.).

NOTE: Renumbers provision to conform with current style that requires each
statutory unit that follows an introduction to form a complete sentence when read with
the introduction.

17 **SECTION 143.** 346.65 (2) (a) to ~~(d)~~ ^e of the statutes are renumbered 346.65 (2) (am)
18 1. to ~~4.~~ ⁵, and 346.65 (2) (am) 1., as renumbered, is amended to read:
19 346.65 (2) (am) 1. Shall forfeit not less than \$150 nor more than \$300, except
20 as provided in ~~pars. (b) to subds. 2. to 5. and par. (f).~~

Handwritten notes:
cjs: please
check these
should be
an auto-
already
a.r. X

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction. Changes cross-references to accommodate renumbering.

1 **SECTION 144.** 346.65 (2) (e) of the statutes is renumbered 346.65 (2) (am) 5.

****NOTE: Do you want to add a note? CJS

2 **SECTION 145.** 346.65 (2) (f) of the statutes is amended to read:

3 346.65 (2) (f) If there was a minor passenger under 16 years of age in the motor
4 vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1),
5 the applicable minimum and maximum forfeitures, fines, or imprisonment under
6 par. (a), (b), (c), (d) or (e) (am) for the conviction are doubled. An offense under s.
7 346.63 (1) that subjects a person to a penalty under par. (c), (d) or (e) (am) 3., 4., or
8 5. when there is a minor passenger under 16 years of age in the motor vehicle is a
9 felony and the place of imprisonment shall be determined under s. 973.02.

NOTE: Changes cross-references to accommodate renumbering by SECTION 143
and 144 of this bill

****NOTE: See my changes to NOTE. CJS

10 **SECTION 146.** 346.65 (2) (g) of the statutes is amended to read:

11 346.65 (2) (g) 1. If a person convicted had an alcohol concentration of 0.17 to
12 0.199, the applicable minimum and maximum fines under pars. (c) to (e) par. (am)
13 3. to 5. are doubled.

14 2. If a person convicted had an alcohol concentration of 0.20 to 0.249, the
15 applicable minimum and maximum fines under pars. (c) to (e) par. (am) 3. to 5. are
16 tripled.

17 3. If a person convicted had an alcohol concentration of 0.25 or above, the
18 applicable minimum and maximum fines under pars. (c) to (e) par. (am) 3. to 5. are
19 quadrupled.

NOTE: Changes cross-references to accommodate renumbering by SECTION 143
and 144 of this bill.

STET: leave as typed

1 **SECTION 147.** 346.65 (2c) of the statutes is amended to read:

2 346.65 (2c) In sub. (2) ~~(b) to (e)~~ (am) 2., 3., 4., and 5., the time period shall be
3 measured from the dates of the refusals or violations that resulted in the revocation
4 or convictions. If a person has a suspension, revocation, or conviction for any offense
5 under a local ordinance or a state statute of another state that would be counted
6 under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior
7 suspension, revocation, or conviction under sub. (2) ~~(b) to (e)~~ (am) 2., 3., 4., and 5.

****NOTE: See my changes ("or" to "and").

NOTE: Changes cross-references to accommodate renumbering by SECTIONS 143
and 144 of this bill.

8 **SECTION 148.** 346.65 (2e) of the statutes is amended to read:

9 346.65 (2e) If the court determines that a person does not have the ability to
10 pay the costs and fine or forfeiture imposed under sub. (2) ~~(a), (b), (c), (d), (e)~~ (am),
11 (f), or (g), the court may reduce the costs, fine, and forfeiture imposed and order the
12 person to pay, toward the cost of the assessment and driver safety plan imposed
13 under s. 343.30 (1q) (c), the difference between the amount of the reduced costs and
14 fine or forfeiture and the amount of costs and fine or forfeiture imposed under sub.
15 (2) ~~(a), (b), (c), (d), (e)~~ (am), (f), or (g).

NOTE: Changes cross-references to accommodate renumbering by SECTIONS 143
and 144 of this bill.

16 **SECTION 149.** 346.65 (2g) (a) of the statutes is amended to read:

17 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)
18 to provide that a defendant perform community service work for a public agency or
19 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.
20 (2) ~~(b) to (am) 2., 3., 4., and 5., (f), and (g)~~ and except as provided in par. (ag), the court
21 may provide that a defendant perform community service work for a public agency
22 or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub.

1 (2) ~~(a)~~ (am) 1. or may require a person who is subject to sub. (2) to perform community
2 service work for a public agency or a nonprofit charitable organization in addition
3 to the penalties specified under sub. (2).

NOTE: Changes cross-references to accommodate renumbering by SECTIONS 143
and 144 of this bill.

4 SECTION 150. 346.65 (2g) (ag) of the statutes is amended to read:

5 346.65 (2g) (ag) If the court determines that a person does not have the ability
6 to pay a fine imposed under sub. (2) ~~(b) to~~ (am) 2., 3., 4., or 5., (f), or (g), the court shall
7 require the defendant to perform community service work for a public agency or a
8 nonprofit charitable organization in lieu of paying the fine imposed or, if the amount
9 of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the
10 fine. Each hour of community service performed in compliance with an order under
11 this paragraph shall reduce the amount of the fine owed by an amount determined
12 by the court.

NOTE: Changes cross-references to accommodate renumbering by SECTIONS 143
and 144 of this bill.

13 SECTION 151. 346.65 (2g) (am) of the statutes is amended to read:

14 346.65 (2g) (am) Notwithstanding s. 973.05 (3) (b), an order under par. (a) or
15 (ag) may ~~only~~ apply only if agreed to by the organization or agency. The court shall
16 ensure that the defendant is provided a written statement of the terms of the
17 community service order and that the community service order is monitored. Any
18 organization or agency acting in good faith to which a defendant is assigned pursuant
19 to an order under this subsection has immunity from any civil liability in excess of
20 \$25,000 for acts or omissions by or impacting on the defendant. The issuance or
21 possibility of the issuance of a community service order under this subsection does

1 not entitle an indigent defendant who is subject to sub. (2) ~~(a)~~ (am) 1. to
2 representation by counsel under ch. 977.

NOTE: Changes cross-reference to accommodate renumbering by SECTION 143 of
this bill. Corrects placement of adverb.

3 **SECTION 152.** 346.65 (2g) (d) of the statutes is amended to read:

4 346.65 (2g) (d) With respect to imprisonment under sub. (2) ~~(b)~~ (am) 2., the
5 court shall ensure that the person is imprisoned for not less than 5 days or ordered
6 to perform not less than 30 days of community service work under s. 973.03 (3) (a).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 143 of
this bill.

7 **SECTION 153.** 346.65 (2i) of the statutes is amended to read:

8 346.65 (2i) In addition to the authority of the court under sub. (2g) and s. 973.05
9 (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to
10 s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1), or 940.25, to visit a site that
11 demonstrates the adverse effects of substance abuse or of operating a vehicle while
12 under the influence of an intoxicant or other drug, including an alcoholism treatment
13 facility approved under s. 51.45 or an emergency room of a general hospital in lieu
14 of part or all of any forfeiture imposed or in addition to any penalty imposed. The
15 court may order the defendant to pay a reasonable fee, based on the person's ability
16 to pay, to offset the costs of establishing, maintaining, and monitoring the visits
17 ordered under this subsection. The court may order a visit to the site only if agreed
18 to by the person responsible for the site. If the opportunities available to visit sites
19 under this subsection are fewer than the number of defendants eligible for a visit,
20 the court shall, when making an order under this subsection, give preference to
21 defendants who were under 21 years of age at the time of the offense. The court shall
22 ensure that the visit is monitored. A visit to a site may be ordered for a specific time

1 and a specific day to allow the defendant to observe victims of vehicle accidents
2 involving intoxicated drivers. If it appears to the court that the defendant has not
3 complied with the court order to visit a site or to pay a reasonable fee, the court may
4 order the defendant to show cause why he or she should not be held in contempt of
5 court. Any organization or agency acting in good faith to which a defendant is
6 assigned pursuant to an order under this subsection has immunity from any civil
7 liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.
8 The issuance or possibility of the issuance of an order under this subsection does not
9 entitle an indigent defendant who is subject to sub. (2) ~~(a)~~ (am) 1. to representation
10 by counsel under ch. 977.

NOTE: Changes cross-reference to accommodate renumbering by SECTION 143 of this bill.

11 **SECTION 154.** 346.65 (2j) (intro.) of the statutes is renumbered 346.65 (2j) (am)
12 (intro.).

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction.

13 **SECTION 155.** 346.65 (2j) (a), (b) and (c) of the statutes are renumbered 346.65
14 (2j) (am) 1., 2. and 3., and 346.65 (2j) (am) 1., as renumbered, is amended to read:
15 346.65 (2j) (am) 1. Shall forfeit not less than \$150 nor more than \$300 except
16 as provided in ~~par. (b), (c)~~ subd. 2. or 3. or par. (d).

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction. Changes cross-references to accommodate renumbering.

****NOTE: See my changes. CJS

17 **SECTION 156.** 346.65 (2j) (d) of the statutes is amended to read:
18 346.65 (2j) (d) If there was a minor passenger under 16 years of age in the
19 commercial motor vehicle at the time of the violation that gave rise to the conviction

1 under s. 346.63 (5), the applicable minimum and maximum forfeitures, fines, or
2 imprisonment under par. (a), ~~(b) or (c)~~ (am) 1., 2., or 3. for the conviction are doubled.
3 An offense under s. 346.63 (5) that subjects a person to a penalty under par. (e) (am)
4 3. when there is a minor passenger under 16 years of age in the commercial motor
5 vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

NOTE: Changes cross-references to accommodate renumbering by SECTION 155 of this bill.

6 stat. SECTION 157. 346.65 (7) of the statutes is amended to read:

7 346.65 (7) A person convicted under sub. (2) (b), (e), ~~(d) or (e)~~ (am) 2., 3., 4., or
8 5. or (2j) ~~(b) or (e)~~ (am) 2. or 3. shall be required to remain in the county jail for not
9 less than a 48-consecutive-hour period.

NOTE: Changes cross-references to accommodate renumbering by SECTIONS 143, 144, and 155 of this bill.

10 SECTION 158. 441.001 (4) (b) of the statutes is amended to read:

11 441.11 (4) (b) The execution of procedures and techniques in the treatment of
12 the sick under the general or special supervision or direction of a physician,
13 podiatrist licensed under ch. 448, dentist licensed under ch. 447, or optometrist
14 licensed under ch. 449, or under an order of a person who is licensed to practice
15 medicine, podiatry, dentistry, or optometry in another state if the person making the
16 order prepared the order after examining the patient in that other state and directs
17 that the order be carried out in this state.

NOTE: Inserts serial comma consistent with current style.

18 SECTION 159. 758.13 (1) of the statutes is renumbered 758.13 (1) (a) (intro.) and
19 amended to read:

20 758.13 (1) (a) (intro.) There is created a judicial council of 21 members as
21 follows: a

22 1. One supreme court justice designated by the supreme court; a.

1 2. One court of appeals judge designated by the court of appeals; ~~the~~.

2 3. The director of state courts or his or her designee; ~~4~~.

3 4. Four circuit judges designated by the judicial conference; ~~the~~.

4 5. The chairpersons of the senate and the assembly committees dealing with
5 judicial affairs or a member of each such committee designated by the respective
6 chairperson; ~~the~~.

7 6. The attorney general or his or her designee; ~~the~~.

8 7. The revisor of statutes or an assistant designated by the revisor; ~~the~~.

9 8. The deans of the law schools of the University of Wisconsin and Marquette
10 University or a member of the respective law school faculties designated by the
11 deans; ~~the~~.

12 9. The state public defender or his or her designee; ~~the~~.

13 10. The president-elect of the state bar State Bar of Wisconsin or a member of
14 the board of governors of the state bar designated by the president-elect ~~and 3~~.

15 11. Three additional members ~~thereof~~ of the state bar selected by the state bar
16 to serve 3-year terms; ~~one~~.

17 12. One district attorney appointed by the governor; ~~and 2~~.

18 13. Two citizens at large appointed by the governor to serve 3-year terms.

19 (b) The names of the judicial council members shall be certified to the secretary
20 of state by the executive secretary of the judicial commission. Members shall hold
21 office until their successors have been selected. Members shall receive no
22 compensation, but shall be reimbursed from the appropriation made by s. 20.665 (1)
23 for expenses necessarily incurred by ~~them~~ the members in attending council
24 meetings.

NOTE: Subdivides a long provision by placing a list in tabular form. Inserts specific references and changes capitalization.

****NOTE: Instead of "the members" should it be just "members"? Elsewhere in the paragraph the definite article is not used with "members." CJS

1 **SECTION 160.** 895.42 (title) of the statutes is amended to read:

2 **895.42 (title) Deposit of undistributed money and property by**
3 **administrators personal representatives and others.**

NOTE: Replaces "administrators" in accordance with 2001 Wis. Act 102.

4 **SECTION 161.** 973.05 (2m) of the statutes is renumbered 973.05 (2m) (intro.) and
5 amended to read:

6 973.05 (2m) (intro.) Payments under this section shall be applied first to in the
7 following order:

8 (a) To payment of the penalty surcharge until paid in full, shall then be applied
9 to the.

10 (b) To payment of the jail surcharge until paid in full, shall then be applied to
11 the.

12 (c) To payment of part A of the crime victim and witness assistance surcharge
13 until paid in full, shall then be applied to.

14 (d) To payment of part B of the crime victim and witness assistance surcharge
15 until paid in full, shall then be applied to.

16 (e) To payment of the crime laboratories and drug law enforcement surcharge
17 until paid in full, shall then be applied to.

18 (f) To payment of the deoxyribonucleic acid analysis surcharge until paid in full,
19 shall then be applied to.

20 (g) To payment of the drug abuse program improvement surcharge until paid
21 in full, shall then be applied to.

as applicable

****NOTE: I added the word "program", which is part of the current law version of this statute. CJS

1 (h) To payment of the driver improvement surcharge until paid in full, shall
2 then be applied to.

3 (i) To payment of the truck driver education surcharge if applicable until paid
4 in full, shall then be applied to.

5 (j) To payment of the domestic abuse surcharge until paid in full, shall then be
6 applied to.

7 (k) To payment of the consumer protection surcharge until paid in full, shall
8 then be applied to.

9 (L) To payment of the natural resources surcharge if applicable until paid in
10 full, shall then be applied to.

11 (m) To payment of the natural resources restitution surcharge until paid in full,
12 shall then be applied to the.

13 (n) To payment of the environmental surcharge if applicable until paid in full,
14 shall then be applied to the.

15 (o) To payment of the wild animal protection surcharge if applicable until paid
16 in full, shall then be applied to.

17 (p) To payment of the weapons surcharge until paid in full, shall then be applied
18 to.

19 (q) To payment of the uninsured employer surcharge until paid in full, shall
20 then be applied to.

21 (r) To payment of the enforcement surcharge under s. 253.06 (4) (e), if
22 applicable, until paid in full, and shall then be applied to.

23 (s) To payment of the fine and the costs and fees imposed under ch. 814.

NOTE: Subdivides list. *Makes "as applicable" applicable to the entire provision for parallel construction*

****NOTE: In proposed par. (r), why has the x-ref been stuck out? "Enforcement surcharge" is not the complete name of the surcharge. Without the x-ref it will be unclear which surcharge is meant. Also, why has "if applicable" been stuck out? It is not struck out in other paragraphs where it appears. CJS

****NOTE: MGD suggest striking out "if applicable" in each item in the list in which it appears. The problem is that this phrase is not present in some items in the list in which it should be for proper parallelism. To compensate for the removal of the phrase from the items, MGD suggests adding to the intro. the phrase "as applicable," immediately before the words "in the following order".

1 **SECTION 162.** 973.09 (1) (d) 1. of the statutes is amended to read:

2 973.09 (1) (d) 1. A violation under s. 346.63 (1) that subjects the person to a
3 mandatory minimum period of imprisonment under s. 346.65 (2) ~~(b) or (e)~~ (am) 2. or
4 3.

NOTE: Changes cross-references to accommodate renumbering by SECTION 143 of this bill.

5 **SECTION 163.** 973.09 (1) (d) 3. of the statutes is amended to read:

6 973.09 (1) (d) 3. A violation under s. 346.63 (5) that subjects the person to a
7 mandatory minimum period of imprisonment under s. 346.65 (2j) ~~(e)~~ (am) 3., if the
8 person has a total of 3 or fewer convictions, suspensions or revocations counted under
9 s. 343.307 (2).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 155 of this bill.

10
11 (END)

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INS 5-6

1
2 **SECTION 1.** 5.60 (3) (intro.) (except 5.60 (3) (title)) of the statutes is renumbered
3 5.60 (3) (ag).
4 **SECTION 2.** 5.60 (3) (a) of the statutes is renumbered 5.60 (3) (am) and amended
5 to read:
6 5.60 (3) (am) No party designation shall appear on the official ballot for city
7 offices.

History: 1971 c. 304 ss. 9 to 11, 29 (2); 1971 c. 336; 1973 c. 134; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 187, 427, 445, 449; 1979 c. 221, 260, 355; 1981 c. 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 28, 155; 1987 a. 391; 1989 a. 192, 290; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 201; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 24.

⑨ note:std Note: Renumbers a provision that is not an introductory paragraph according to current style.
⑨ **** Note: I created the note for this section. Please review. CJS

⑨ note:std Note: Renumbers provision to accomodate renumbering of s. 5.60 (3) (intro.) by this bill and inserts specific reference.
⑨ **** Note: I created the note for this section. Please review. CJS

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~~SECTION 1.~~ 8.30 (1) of the statutes is amended to read:

8.30 (1) Except as otherwise provided in this section, the official or agency with whom declarations of candidacy are required to be filed may refuse to place the candidate's name on the ballot if any of the following apply:

(a) ~~If the~~ The nomination papers are not prepared, signed, and executed, as required under this chapter;

(b) ~~If it~~ It conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected;

(c) ~~If elected the~~ The candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment.

NOTE: Conforms provision to current style.

~~SECTION 2.~~ 15.435 (1) (a) 1. of the statutes is amended to read:

15.435 (1) (a) 1. The secretary of commerce and the secretary of revenue or their designees;

NOTE: Conforms punctuation to current style. Corrects punctuation.

~~SECTION 3.~~ 15.435 (1) (a) 2. of the statutes is amended to read:

15.435 (1) (a) 2. Three public members;

NOTE: Conforms punctuation to current style. Corrects punctuation.

***** NOTE: I changed the wording of ~~the~~ ^{the} note to make it the same as the notes for: ~~the~~ ~~the~~ bill sections that treat s. 15.135 (4) (b) 2. and 15.435 (1) (a) 3. CJS

<use 2x>

④****NOTE: I made some adjustments to your note so that it would better describe the changed approach. CJS

report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications, the department may not make the modifications specified in the report until the committee approves the report.

NOTE: Subdivides long provision and inserts cross-references for improved readability.

SECTION 63. 16.85 (intro.) of the statutes is renumbered 16.85 (1g) (intro.) and amended to read:

16.85 Department of administration; powers, duties. (1g) (intro.) The department of administration shall exercise the powers and duties prescribed by ss. 16.85 to 16.91 as follows:

NOTE: Section 16.85 (8) and (11) are stylistically different from the other subsections in s. 16.85 and cannot be amended to grammatically fit within the structure of 16.85 (intro.) and the remaining subsections. Renumbering 16.85 (intro.) and the remainder of the subsections eliminates the grammatical and stylistic conflicts between subs. (8) and (11) and the remainder of the section. See also the next 4 sections of this bill.

****NOTE: JTK recommends deleting bill SECTIONS 62 to 71 (as numbered in the rough draft) and substituting the following:

SECTION 62. 16.85 (8) and (11) of the statutes are renumbered 16.8511 (1) and (2).

SECTION 63. 16.8511 (title) of the statutes is created to read:

16.8511 (title) Secretary of administration; powers, duties.

JTK explains: "The problem is with s. 16.85 (8) and (11), stats. This solution [i.e., JTK's solution] is simpler and more direct. Renumbering everything else creates an inconvenience for users and begins the subchapter in an illogical way."

****NOTE: If you adopt JTK's approach, no x-ref's will need to be adjusted, because s. 16.85 (8) and (11) are not x-ref'd anywhere.

****NOTE: I did not edit bill SECTIONS 62 to 71 (as numbered in the rough draft) yet, except to make sure that the material treated in them was related to the proposed restructuring of s. 16.85. CJS

SECTION 64. 16.85 (1) of the statutes is renumbered 16.85 (1g) (a) and amended to read:

16.85 (1g) (a) To take charge of and supervise all engineering or architectural services or construction work as defined in s. 16.87 performed by, or for, the state, or

④Note: See the previous Section of this bill.

Use note: std

conflicts

(8) and (11)

Please recreate these items as proper bill sections

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3

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INS Q

SECTION 1. 16.854 (3) of the statutes is amended to read:

16.854 (3) It shall be a goal of the department, with regard to each of the contracts described under sub. (2) (a), (b) and (c), to award at least 25% of the dollar value of such contracts to minority businesses and at least 5% of the dollar value of such contracts to women's businesses. Sections 16.85, 16.8511, 16.855, and 16.87 do not apply to services provided or contracted by the department under this section.

History: 1995 a. 56.

NOTE: Section 16.85 (8) and (11) are renumbered 16.8511 (1) and (2) by this bill.

****NOTE: I added this section and the accompanying revisor's note to the bill. I didn't think to look for x-refs to s. 16.85 (the whole section) in reviewing the P1 version of the draft; I looked only for x-refs to the specific subsections that were renumbered. However, there are two x-ref's in the statutes to s. 16.85 (the whole section). I showed these to JTK, and he determined that this one (but not the other) needs to be adjusted to reflect the renumbering of the subsections. Please review. CJS

In reviewing the previous version of the draft;

Δ — Δ please review.

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INS 41-5

SECTION 1. 24.11 (3) of the statutes is renumbered 24.11 (3) (a) (intro.) and amended to read:

****NOTE: What follows is my rendering of the approach that we discussed via e-mail. Please review carefully. CJS

24.11 (3) (a) (intro.) Every contract, certificate of sale, or grant hereunder of public lands shall reserve do all of the following:

1. Reserve to the people the right of access to ~~such~~ the lands and to any meandered or nonmeandered stream, river, pond or lake navigable in fact for any purpose whatsoever, bordered by ~~such~~ the lands and all rights necessary to the full enjoyment of such waters, and of all minerals in said the lands, and all mining rights therein, ~~and shall also be~~.

****NOTE: The punctuation in the material above is not clear and can be read in more than one way, so I left it alone. I left "therein" alone because it is not clear whether it means "in the lands" or "in the minerals". CJS

2. Be subject to continued all of the following:

a. Continued ownership by the state of all waterpower rights on ~~such~~ the lands or in any manner appurtenant thereto. ~~Such conveyance shall also be subject to a~~ to the lands.

b. A continuing easement in the state and its assigns to enter and occupy ~~such~~ the lands in any manner necessary and convenient to the removal of ~~such~~ mineral from such lands and to the proper exercise of ~~such~~ mineral rights, ~~and shall be~~ further subject to the under subd. 1.

c. The continuing easement in the state and its assigns to enter and occupy ~~such~~ the lands in any manner necessary and convenient to the development, maintenance and use of any ~~such~~ water rights under subd. 1. or subd. 2. a.

****NOTE: It is necessary to replace "such" in some way because, due to the subdividing of this statute, the water rights in question are no longer described in the

L.
W.
P.

statutory unit in which the word "such" is used. However, the cross-reference I provided fails to preserve an ambiguity that exists in current law as to which water rights are referred to by "such" — is it just those under proposed subd. 1.? just those under proposed subd. 2. a.? or both? Can you think of a way to preserve the ambiguity that is present in current law? If not, should s. 24.11 (3) be left alone and not revised? CJS

- 1 (b) Nothing contained in ~~this section~~ par. (a) shall be construed to provide for
- 2 the continued ownership in the state of any stone used for building purposes nor of
- 3 any sand or gravel.

4 History: 1979 c. 110 s. 60 (13); 1983 a. 423; 1991 a. 316; 1995 a. 225.

<end INS 41-5>

Also, do you know whether the language of s. 24.11(3) has ever been interpreted by a court — maybe that would help determine what to do with "such." I looked at 6S Att. Gen 207, which is cited in a note following ~~section~~ s. 24.11, but while it was interesting it didn't quite hit this question.